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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 APR 24 PM 2:44

UNITED STATES OF AMERICA,	)	Magistrate Docket No.
	)	'08 MJ 1276 WMc
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF: DEPUTY
v.	)	
	)	Title 8, U.S.C., Section 1326
Elias SALCEDO-Sanchez,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	
	)	

The undersigned complainant, being duly sworn, states:

On or about **April 22, 2008** within the Southern District of California, defendant, **Elias SALCEDO-Sanchez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** DAY OF **APRIL, 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Elias SALCEDO-Sanchez

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PROBABLE CAUSE STATEMENT

On April 22, 2008, Border Patrol Agent Gonzalez was assigned line watch duties in the Imperial Beach area of operations. At approximately 6:30 P.M., Agent Gonzalez observed three individuals just north of the United States/Mexico International Boundary Fence in an area known as "South Park." This area is approximately fifty yards north of the United States / Mexico International Boundary Fence and five miles west of the San Ysidro, California Port of Entry.

Agent Gonzalez approached the individuals and identified himself as a United States Border Patrol Agent and conducted an immigration inspection. All three individuals including one later identified as the defendant **Elias SALCEDO-Sanchez**, admitted that they were citizens and nationals of Mexico without any immigration documentation permitting them to enter or remain in the United States legally. Agent Gonzalez arrested all three individuals and subsequently had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 28, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Warnings and was willing to make a statement without an attorney present. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States without the proper documentation. He further stated he did not apply for permission to re-enter the United States after being deported.